

House File 2523

H-8442

1 Amend House File 2523 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <DIVISION I

5 APPROPRIATIONS

6 Section 1. DEPARTMENT OF JUSTICE.

7 1. There is appropriated from the general fund
8 of the state to the department of justice for the
9 fiscal year beginning July 1, 2010, and ending June 30,
10 2011, the following amounts, or so much thereof as is
11 necessary, to be used for the purposes designated:

12 a. For the general office of attorney general for
13 salaries, support, maintenance, and miscellaneous
14 purposes, including the prosecuting attorneys training
15 program, victim assistance grants, office of drug
16 control policy prosecuting attorney program, and
17 odometer fraud enforcement, and for not more than the
18 following full-time equivalent positions:

19 \$ 7,732,930
20 FTEs 232.50

21 It is the intent of the general assembly that as
22 a condition of receiving the appropriation provided
23 in this lettered paragraph, the department of justice
24 shall maintain a record of the estimated time incurred
25 representing each agency or department.

26 b. For victim assistance grants:

27 \$ 3,060,000

28 The funds appropriated in this lettered paragraph
29 shall be used to provide grants to care providers
30 providing services to crime victims of domestic abuse
31 or to crime victims of rape and sexual assault.

32 The balance of the victim compensation fund
33 established in section 915.94 may be used to provide
34 salary and support of not more than 22 FTEs and
35 to provide maintenance for the victim compensation
36 functions of the department of justice.

37 The department of justice may transfer moneys from
38 the victim compensation fund established in section
39 915.94 to the victim assistance grant program.

40 c. For legal services for persons in poverty grants
41 as provided in section 13.34:

42 \$ 1,930,671

43 2. a. The department of justice, in submitting
44 budget estimates for the fiscal year commencing July
45 1, 2011, pursuant to section 8.23, shall include a
46 report of funding from sources other than amounts
47 appropriated directly from the general fund of the
48 state to the department of justice or to the office of
49 consumer advocate. These funding sources shall include
50 but are not limited to reimbursements from other state

1 agencies, commissions, boards, or similar entities, and
2 reimbursements from special funds or internal accounts
3 within the department of justice. The department of
4 justice shall also report actual reimbursements for the
5 fiscal year commencing July 1, 2009, and actual and
6 expected reimbursements for the fiscal year commencing
7 July 1, 2010.

8 b. The department of justice shall include the
9 report required under paragraph "a", as well as
10 information regarding any revisions occurring as a
11 result of reimbursements actually received or expected
12 at a later date, in a report to the co-chairpersons
13 and ranking members of the joint appropriations
14 subcommittee on the justice system and the legislative
15 services agency. The department of justice shall
16 submit the report on or before January 15, 2011.

17 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
18 appropriated from the department of commerce revolving
19 fund created in section 546.12 to the office of
20 consumer advocate of the department of justice for the
21 fiscal year beginning July 1, 2010, and ending June 30,
22 2011, the following amount, or so much thereof as is
23 necessary, to be used for the purposes designated:

24 For salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-time
26 equivalent positions:

27 \$ 3,336,344
28 FTEs 27.00

29 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

30 1. There is appropriated from the general fund of
31 the state to the department of corrections for the
32 fiscal year beginning July 1, 2010, and ending June 30,
33 2011, the following amounts, or so much thereof as is
34 necessary, to be used for the purposes designated:

35 For the operation of adult correctional
36 institutions, reimbursement of counties for certain
37 confinement costs, and federal prison reimbursement,
38 to be allocated as follows:

39 a. For the operation of the Fort Madison
40 correctional facility, including salaries, support,
41 maintenance, and miscellaneous purposes:

42 \$ 39,991,374

43 As a condition of receiving an appropriation in
44 this lettered paragraph, the department of corrections
45 shall operate the John Bennett facility either as an
46 institution of the department or a community-based
47 correctional facility.

48 b. For the operation of the Anamosa correctional
49 facility, including salaries, support, maintenance, and
50 miscellaneous purposes:

1 \$ 30,416,461
2 As a condition of receiving the appropriation in
3 this lettered paragraph, the department of corrections
4 shall employ two part-time registered nurses at the
5 Luster Heights facility, and shall seek volunteer
6 licensed medical personnel to serve at the facility.
7 It is the intent of the general assembly that the
8 department of corrections fully operate the Luster
9 Heights facility at the facility's 88-bed capacity.
10 As a condition of the moneys appropriated in this
11 lettered paragraph, the department of corrections shall
12 replace expired federal funding by expending at least
13 \$238,252 for continuation of a treatment program that
14 prepares offenders for ongoing therapeutic treatment
15 programs offered by the department and maintaining at
16 least 4.75 FTEs for the program.
17 Moneys appropriated in this lettered paragraph shall
18 provide for one full-time substance abuse counselor
19 for the Luster Heights facility for the purpose of
20 certification of a substance abuse program at that
21 facility.
22 c. For the operation of the Oakdale correctional
23 facility, including salaries, support, maintenance, and
24 miscellaneous purposes:
25 \$ 55,755,246
26 d. For the operation of the Newton correctional
27 facility, including salaries, support, maintenance, and
28 miscellaneous purposes:
29 \$ 26,452,257
30 e. For the operation of the Mt. Pleasant
31 correctional facility, including salaries, support,
32 maintenance, and miscellaneous purposes:
33 \$ 26,265,257
34 f. For the operation of the Rockwell City
35 correctional facility, including salaries, support,
36 maintenance, and miscellaneous purposes:
37 \$ 9,324,565
38 g. For the operation of the Clarinda correctional
39 facility, including salaries, support, maintenance, and
40 miscellaneous purposes:
41 \$ 23,645,033
42 Moneys received by the department of corrections as
43 reimbursement for services provided to the Clarinda
44 youth corporation are appropriated to the department
45 and shall be used for the purpose of operating the
46 Clarinda correctional facility.
47 h. For the operation of the Mitchellville
48 correctional facility, including salaries, support,
49 maintenance, and miscellaneous purposes:
50 \$ 15,486,586

1 i. For the operation of the Fort Dodge correctional
2 facility, including salaries, support, maintenance, and
3 miscellaneous purposes:

4 \$ 29,020,235

5 j. For reimbursement of counties for temporary
6 confinement of work release and parole violators, as
7 provided in sections 901.7, 904.908, and 906.17, and
8 for offenders confined pursuant to section 904.513:

9 \$ 775,092

10 k. For federal prison reimbursement, reimbursements
11 for out-of-state placements, and miscellaneous
12 contracts:

13 \$ 239,411

14 2. The department of corrections shall use moneys
15 appropriated in subsection 1 to continue to contract
16 for the services of a Muslim imam.

17 Sec. 4. DEPARTMENT OF CORRECTIONS —
18 ADMINISTRATION.

19 1. There is appropriated from the general fund of
20 the state to the department of corrections for the
21 fiscal year beginning July 1, 2010, and ending June 30,
22 2011, the following amounts, or so much thereof as is
23 necessary, to be used for the purposes designated:

24 a. For general administration, including salaries,
25 support, maintenance, employment of an education
26 director to administer a centralized education
27 program for the correctional system, and miscellaneous
28 purposes:

29 \$ 4,254,068

30 (1) It is the intent of the general assembly
31 that as a condition of receiving the appropriation
32 provided in this lettered paragraph the department of
33 corrections shall not, except as otherwise provided in
34 subparagraph (3), enter into a new contract, unless
35 the contract is a renewal of an existing contract,
36 for the expenditure of moneys in excess of \$100,000
37 during the fiscal year beginning July 1, 2010, for the
38 privatization of services performed by the department
39 using state employees as of July 1, 2010, or for the
40 privatization of new services by the department without
41 prior consultation with any applicable state employee
42 organization affected by the proposed new contract and
43 prior notification of the co-chairpersons and ranking
44 members of the joint appropriations subcommittee on the
45 justice system.

46 (2) It is the intent of the general assembly
47 that each lease negotiated by the department of
48 corrections with a private corporation for the purpose
49 of providing private industry employment of inmates in
50 a correctional institution shall prohibit the private

1 corporation from utilizing inmate labor for partisan
2 political purposes for any person seeking election to
3 public office in this state and that a violation of
4 this requirement shall result in a termination of the
5 lease agreement.

6 (3) It is the intent of the general assembly
7 that as a condition of receiving the appropriation
8 provided in this lettered paragraph the department
9 of corrections shall not enter into a lease or
10 contractual agreement pursuant to section 904.809 with
11 a private corporation for the use of building space
12 for the purpose of providing inmate employment without
13 providing that the terms of the lease or contract
14 establish safeguards to restrict, to the greatest
15 extent feasible, access by inmates working for the
16 private corporation to personal identifying information
17 of citizens.

18 b. For educational programs for inmates at state
19 penal institutions:

20 \$ 1,558,109

21 As a condition of receiving the appropriation in
22 this lettered paragraph, the department of corrections
23 shall transfer at least \$300,000 from the canteen
24 operating funds established pursuant to section 904.310
25 to be used for correctional educational programs funded
26 in this lettered paragraph.

27 It is the intent of the general assembly that moneys
28 appropriated in this lettered paragraph shall be used
29 solely for the purpose indicated and that the moneys
30 shall not be transferred for any other purpose. In
31 addition, it is the intent of the general assembly
32 that the department shall consult with the community
33 colleges in the areas in which the institutions are
34 located to utilize moneys appropriated in this lettered
35 paragraph to fund the high school completion, high
36 school equivalency diploma, adult literacy, and adult
37 basic education programs in a manner so as to maintain
38 these programs at the institutions.

39 To maximize the funding for educational programs,
40 the department shall establish guidelines and
41 procedures to prioritize the availability of
42 educational and vocational training for inmates based
43 upon the goal of facilitating an inmate's successful
44 release from the correctional institution.

45 The director of the department of corrections may
46 transfer moneys from Iowa prison industries for use in
47 educational programs for inmates.

48 Notwithstanding section 8.33, moneys appropriated
49 in this lettered paragraph that remain unobligated or
50 unexpended at the close of the fiscal year shall not

1 revert but shall remain available for expenditure only
 2 for the purpose designated in this lettered paragraph
 3 until the close of the succeeding fiscal year.
 4 c. For the development of the Iowa corrections
 5 offender network (ICON) data system:
 6 \$ 424,364
 7 d. For offender mental health and substance abuse
 8 treatment:
 9 \$ 22,319
 10 e. For viral hepatitis prevention and treatment:
 11 \$ 167,881
 12 2. It is the intent of the general assembly
 13 that the department of corrections shall continue
 14 to operate the correctional farms under the control
 15 of the department at the same or greater level
 16 of participation and involvement as existed as
 17 of June 30, 2011; shall not enter into any rental
 18 agreement or contract concerning any farmland under
 19 the control of the department that is not subject
 20 to a rental agreement or contract as of January 1,
 21 2010, without prior legislative approval; and shall
 22 further attempt to provide job opportunities at the
 23 farms for inmates. The department shall attempt to
 24 provide job opportunities at the farms for inmates
 25 by encouraging labor-intensive farming or gardening
 26 where appropriate; using inmates to grow produce
 27 and meat for institutional consumption; researching
 28 the possibility of instituting food canning and
 29 cook-and-chill operations; and exploring opportunities
 30 for organic farming and gardening, livestock ventures,
 31 horticulture, and specialized crops.
 32 3. The department of corrections shall provide a
 33 smoking cessation program to offenders committed to the
 34 custody of the director or who are otherwise detained
 35 by the department, that complies with legislation
 36 enacted restricting or prohibiting smoking on the
 37 grounds of correctional institutions.
 38 4. As a condition of receiving the appropriations
 39 made in this section, the department of corrections
 40 shall develop and implement offender reentry programs
 41 in Black Hawk and Polk counties to provide transitional
 42 planning and release primarily for offenders released
 43 from the Iowa correctional institution for women
 44 at Mitchellville and the Fort Dodge correctional
 45 facility. Programming shall include minority and
 46 gender-specific responsivity, employment, substance
 47 abuse treatment, mental health services, housing, and
 48 family reintegration. The department of corrections
 49 shall collaborate with the first and fifth judicial
 50 district departments of correctional services, the Iowa

1 department of workforce development, the department
2 of human services, community-based providers and
3 faith-based organizations, and local law enforcement.

4 5. The chief security officer position within the
5 department of corrections shall be eliminated by the
6 effective date of this subsection.

7 6. The department shall place inmates at the Luster
8 Heights facility who have been approved by the board
9 of parole for work release but who are expected to be
10 waiting in prison for at least four months for a bed
11 to become available at a community-based correctional
12 facility, unless the placement would dislodge an inmate
13 receiving substance abuse treatment.

14 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF
15 CORRECTIONAL SERVICES.

16 1. There is appropriated from the general fund of
17 the state to the department of corrections for the
18 fiscal year beginning July 1, 2010, and ending June
19 30, 2011, for salaries, support, maintenance, and
20 miscellaneous purposes, the following amounts, or
21 so much thereof as is necessary, to be allocated as
22 follows:

23 a. For the first judicial district department of
24 correctional services:

25 \$ 12,453,082

26 As a condition of the moneys appropriated in this
27 lettered paragraph, the department of corrections shall
28 replace expired federal funding by expending at least
29 \$140,000 for the dual diagnosis program and maintaining
30 1.25 FTEs for the program.

31 b. For the second judicial district department of
32 correctional services:

33 \$ 10,770,616

34 c. For the third judicial district department of
35 correctional services:

36 \$ 5,715,578

37 d. For the fourth judicial district department of
38 correctional services:

39 \$ 5,522,416

40 e. For the fifth judicial district department of
41 correctional services, including funding for electronic
42 monitoring devices for use on a statewide basis:

43 \$ 18,938,081

44 As a condition of receiving the appropriation in
45 this lettered paragraph, the fifth judicial district
46 department of correctional services shall reinstate
47 67 beds in buildings 65 and 66 at the Fort Des Moines
48 facility and resume operating the buildings, in
49 addition to maintaining the 199 beds in buildings 68
50 and 70 at the Fort Des Moines facility. The district

1 department may use inmate labor to upgrade and renovate
2 the buildings, if renovation and updating are required.

3 f. For the sixth judicial district department of
4 correctional services:
5 \$ 13,030,356

6 g. For the seventh judicial district department of
7 correctional services:
8 \$ 6,846,560

9 h. For the eighth judicial district department of
10 correctional services:
11 \$ 6,935,622

12 2. Each judicial district department of
13 correctional services, within the funding available,
14 shall continue programs and plans established within
15 that district to provide for intensive supervision, sex
16 offender treatment, diversion of low-risk offenders
17 to the least restrictive sanction available, job
18 development, and expanded use of intermediate criminal
19 sanctions.

20 3. Each judicial district department of
21 correctional services shall provide alternatives to
22 prison consistent with chapter 901B. The alternatives
23 to prison shall ensure public safety while providing
24 maximum rehabilitation to the offender. A judicial
25 district department of correctional services may also
26 establish a day program.

27 4. The governor's office of drug control policy
28 shall consider federal grants made to the department
29 of corrections for the benefit of each of the eight
30 judicial district departments of correctional services
31 as local government grants, as defined pursuant to
32 federal regulations.

33 5. The department of corrections shall continue
34 to contract with a judicial district department
35 of correctional services to provide for the rental
36 of electronic monitoring equipment which shall be
37 available statewide.

38 6. A judicial district department of correctional
39 services shall accept into the facilities of the
40 district department, offenders assigned from other
41 judicial district departments of correctional services.

42 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION
43 OF APPROPRIATIONS. Notwithstanding section 8.39,
44 within the moneys appropriated in this Act to the
45 department of corrections, the department may
46 reallocate the moneys appropriated and allocated as
47 necessary to best fulfill the needs of the correctional
48 institutions, administration of the department, and the
49 judicial district departments of correctional services.
50 However, in addition to complying with the requirements

1 of sections 904.116 and 905.8 and providing notice to
2 the legislative services agency, the department of
3 corrections shall also provide notice to the department
4 of management, prior to the effective date of the
5 revision or reallocation of an appropriation made
6 pursuant to this section. The department shall not
7 reallocate an appropriation or allocation for the
8 purpose of eliminating any program.

9 Sec. 7. INTENT — REPORTS.

10 1. The department in cooperation with townships,
11 the Iowa cemetery associations, and other nonprofit
12 or governmental entities may use inmate labor during
13 the fiscal year beginning July 1, 2010, to restore or
14 preserve rural cemeteries and historical landmarks.
15 The department in cooperation with the counties may
16 also use inmate labor to clean up roads, major water
17 sources, and other water sources around the state.

18 2. Each month the department shall provide a
19 status report regarding private-sector employment to
20 the legislative services agency beginning on July 1,
21 2010. The report shall include the number of offenders
22 employed in the private sector, the combined number of
23 hours worked by the offenders, and the total amount of
24 allowances, and the distribution of allowances pursuant
25 to section 904.702, including any moneys deposited in
26 the general fund of the state.

27 Sec. 8. ELECTRONIC MONITORING REPORT. The
28 department of corrections shall submit a report on
29 electronic monitoring to the general assembly, to the
30 co-chairpersons and the ranking members of the joint
31 appropriations subcommittee on the justice system, and
32 to the legislative services agency by January 15, 2011.
33 The report shall specifically address the number of
34 persons being electronically monitored and break down
35 the number of persons being electronically monitored
36 by offense committed. The report shall also include a
37 comparison of any data from the prior fiscal year with
38 the current year.

39 Sec. 9. STATE AGENCY PURCHASES FROM PRISON
40 INDUSTRIES.

41 1. As used in this section, unless the context
42 otherwise requires, "state agency" means the government
43 of the state of Iowa, including but not limited to
44 all executive branch departments, agencies, boards,
45 bureaus, and commissions, the judicial branch,
46 the general assembly and all legislative agencies,
47 institutions within the purview of the state board of
48 regents, and any corporation whose primary function is
49 to act as an instrumentality of the state.

50 2. State agencies are hereby encouraged to purchase

1 products from Iowa state industries, as defined in
2 section 904.802, when purchases are required and the
3 products are available from Iowa state industries.
4 State agencies shall obtain bids from Iowa state
5 industries for purchases of office furniture during the
6 fiscal year beginning July 1, 2010, exceeding \$5,000
7 or in accordance with applicable administrative rules
8 related to purchases for the agency.

9 Sec. 10. STATE PUBLIC DEFENDER. There is
10 appropriated from the general fund of the state to the
11 office of the state public defender of the department
12 of inspections and appeals for the fiscal year
13 beginning July 1, 2010, and ending June 30, 2011, the
14 following amounts, or so much thereof as is necessary,
15 to be allocated as follows for the purposes designated:

16 1. For salaries, support, maintenance,
17 miscellaneous purposes, and for not more than the
18 following full-time equivalent positions:

19 \$ 21,743,182
20 FTEs 203.00

21 2. For the fees of court-appointed attorneys for
22 indigent adults and juveniles, in accordance with
23 section 232.141 and chapter 815:

24 \$ 15,680,929

25 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

26 1. There is appropriated from the general fund of
27 the state to the Iowa law enforcement academy for the
28 fiscal year beginning July 1, 2010, and ending June 30,
29 2011, the following amount, or so much thereof as is
30 necessary, to be used for the purposes designated:

31 For salaries, support, maintenance, miscellaneous
32 purposes, including jailer training and technical
33 assistance, and for not more than the following
34 full-time equivalent positions:

35 \$ 1,049,430
36 FTEs 30.55

37 It is the intent of the general assembly that the
38 Iowa law enforcement academy may provide training of
39 state and local law enforcement personnel concerning
40 the recognition of and response to persons with
41 Alzheimer's disease.

42 The Iowa law enforcement academy may temporarily
43 exceed and draw more than the amount appropriated and
44 incur a negative cash balance as long as there are
45 receivables equal to or greater than the negative
46 balance and the amount appropriated in this subsection
47 is not exceeded at the close of the fiscal year.

48 2. The Iowa law enforcement academy may select
49 at least five automobiles of the department of public
50 safety, division of state patrol, prior to turning over

1 the automobiles to the department of administrative
2 services to be disposed of by public auction, and
3 the Iowa law enforcement academy may exchange any
4 automobile owned by the academy for each automobile
5 selected if the selected automobile is used in training
6 law enforcement officers at the academy. However,
7 any automobile exchanged by the academy shall be
8 substituted for the selected vehicle of the department
9 of public safety and sold by public auction with the
10 receipts being deposited in the depreciation fund to
11 the credit of the department of public safety, division
12 of state patrol.

13 Sec. 12. BOARD OF PAROLE. There is appropriated
14 from the general fund of the state to the board of
15 parole for the fiscal year beginning July 1, 2010, and
16 ending June 30, 2011, the following amount, or so much
17 thereof as is necessary, to be used for the purposes
18 designated:

19 For salaries, support, maintenance, miscellaneous
20 purposes, and for not more than the following full-time
21 equivalent positions:

22 \$ 1,045,259
23 FTEs 13.50

24 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
25 appropriated from the general fund of the state to
26 the department of public defense for the fiscal year
27 beginning July 1, 2010, and ending June 30, 2011, the
28 following amounts, or so much thereof as is necessary,
29 to be used for the purposes designated:

30 1. MILITARY DIVISION

31 For salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:

34 \$ 6,249,201
35 FTEs 324.00

36 The military division may temporarily exceed and
37 draw more than the amount appropriated and incur a
38 negative cash balance as long as there are receivables
39 of federal funds equal to or greater than the negative
40 balance and the amount appropriated in this subsection
41 is not exceeded at the close of the fiscal year.

42 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
43 DIVISION

44 For salaries, support, maintenance, miscellaneous
45 purposes, and for not more than the following full-time
46 equivalent positions:

47 \$ 2,038,119
48 FTEs 33.00

49 The homeland security and emergency management
50 division may temporarily exceed and draw more than the

1 amount appropriated and incur a negative cash balance
2 as long as there are receivables of federal funds equal
3 to or greater than the negative balance and the amount
4 appropriated in this subsection is not exceeded at the
5 close of the fiscal year.

6 It is the intent of the general assembly that the
7 homeland security and emergency management division
8 work in conjunction with the department of public
9 safety, to the extent possible, when gathering and
10 analyzing information related to potential domestic
11 or foreign security threats, and when monitoring such
12 threats.

13 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
14 appropriated from the general fund of the state to
15 the department of public safety for the fiscal year
16 beginning July 1, 2010, and ending June 30, 2011, the
17 following amounts, or so much thereof as is necessary,
18 to be used for the purposes designated:

19 1. For the department's administrative functions,
20 including the criminal justice information system, and
21 for not more than the following full-time equivalent
22 positions:

23 \$ 4,134,461
24 FTEs 36.00

25 2. For the division of criminal investigation,
26 including the state's contribution to the peace
27 officers' retirement, accident, and disability system
28 provided in chapter 97A in the amount of the state's
29 normal contribution rate, as defined in section
30 97A.8, multiplied by the salaries for which the
31 funds are appropriated, to meet federal fund matching
32 requirements, and for not more than the following
33 full-time equivalent positions:

34 \$ 12,861,710
35 FTEs 162.10

36 If any of the Indian tribes fail to pay for 1.00 FTE
37 pursuant to the agreements or compacts entered into
38 between the state and the Indian tribes pursuant to
39 section 10A.104, subsection 10, the number of full-time
40 equivalent positions authorized under this subsection
41 is reduced by 1.00 FTE.

42 The department shall employ one additional special
43 agent and one additional criminalist for the purpose
44 of investigating cold cases. Prior to employing the
45 additional special agent and criminalist authorized
46 in this paragraph, the department shall provide a
47 written statement to prospective employees that states
48 to the effect that the positions are being funded by
49 a temporary federal grant and there are no assurances
50 that funds from other sources will be available after

1 the federal funding expires. If the federal funding
2 for the additional positions expires during the fiscal
3 year, the number of full-time equivalent positions
4 authorized in this subsection is reduced by 2.00 FTEs.

5 The department of public safety, with the approval
6 of the department of management, may employ no more
7 than two special agents and four gaming enforcement
8 officers for each additional riverboat or gambling
9 structure regulated after July 1, 2010, and one
10 special agent for each racing facility which becomes
11 operational during the fiscal year which begins July
12 1, 2010. One additional gaming enforcement officer,
13 up to a total of four per riverboat or gambling
14 structure, may be employed for each riverboat or
15 gambling structure that has extended operations to 24
16 hours and has not previously operated with a 24-hour
17 schedule. Positions authorized in this paragraph are
18 in addition to the full-time equivalent positions
19 otherwise authorized in this subsection.

20 3. For the criminalistics laboratory fund created
21 in section 691.9:

22 \$ 302,345

23 4. a. For the division of narcotics enforcement,
24 including the state's contribution to the peace
25 officers' retirement, accident, and disability system
26 provided in chapter 97A in the amount of the state's
27 normal contribution rate, as defined in section
28 97A.8, multiplied by the salaries for which the
29 funds are appropriated, to meet federal fund matching
30 requirements, and for not more than the following
31 full-time equivalent positions:

32 \$ 6,507,048

33 FTEs 75.00

34 b. For the division of narcotics enforcement for
35 undercover purchases:

36 \$ 109,042

37 5. For the division of state fire marshal, for fire
38 protection services as provided through the state fire
39 service and emergency response council as created in
40 the department, and for the state's contribution to the
41 peace officers' retirement, accident, and disability
42 system provided in chapter 97A in the amount of the
43 state's normal contribution rate, as defined in section
44 97A.8, multiplied by the salaries for which the funds
45 are appropriated, and for not more than the following
46 full-time equivalent positions:

47 \$ 4,343,896

48 FTEs 57.00

49 6. For the division of state patrol, for salaries,
50 support, maintenance, workers' compensation costs,

1 and miscellaneous purposes, including the state's
2 contribution to the peace officers' retirement,
3 accident, and disability system provided in chapter 97A
4 in the amount of the state's normal contribution rate,
5 as defined in section 97A.8, multiplied by the salaries
6 for which the funds are appropriated, and for not more
7 than the following full-time equivalent positions:

8 \$ 48,984,147
9 FTEs 503.00

10 It is the intent of the general assembly that
11 members of the state patrol be assigned to patrol
12 the highways and roads in lieu of assignments for
13 inspecting school buses for the school districts.

14 7. For deposit in the sick leave benefits fund
15 established under section 80.42 for all departmental
16 employees eligible to receive benefits for accrued sick
17 leave under the collective bargaining agreement:

18 \$ 279,517

19 8. For costs associated with the training and
20 equipment needs of volunteer fire fighters:

21 \$ 612,255

22 Notwithstanding section 8.33, moneys appropriated in
23 this subsection that remain unencumbered or unobligated
24 at the close of the fiscal year shall not revert but
25 shall remain available for expenditure only for the
26 purpose designated in this subsection until the close
27 of the succeeding fiscal year.

28 Notwithstanding section 8.39, within the moneys
29 appropriated in this section the department of public
30 safety may reallocate moneys as necessary to best
31 fulfill the needs provided for in the appropriation.
32 However, the department shall not reallocate an
33 appropriation made to the department in this section
34 unless notice of the reallocation is given to the
35 legislative services agency and the department
36 of management prior to the effective date of the
37 reallocation. The notice shall include information
38 about the rationale for reallocating the appropriation.
39 The department shall not reallocate an appropriation
40 made in this section for the purpose of eliminating any
41 program.

42 Sec. 15. GAMING ENFORCEMENT. There is appropriated
43 from the gaming enforcement revolving fund created in
44 section 80.43 to the department of public safety for
45 the fiscal year beginning July 1, 2010, and ending June
46 30, 2011, the following amount, or so much thereof as
47 is necessary, to be used for the purposes designated:

48 For any direct and indirect support costs for
49 agents and officers of the division of criminal
50 investigation's excursion gambling boat, gambling

1 structure, and racetrack enclosure enforcement
2 activities, including salaries, support, maintenance,
3 miscellaneous purposes, and for not more than the
4 following full-time equivalent positions:

5 \$ 8,851,775
6 FTEs 115.00

7 However, for each additional license to conduct
8 gambling games on an excursion gambling boat, gambling
9 structure, or racetrack enclosure issued during the
10 period beginning July 1, 2009, through June 30, 2011,
11 there is appropriated from the gaming enforcement fund
12 to the department of public safety for the fiscal year
13 beginning July 1, 2010, and ending June 30, 2011, an
14 additional amount of not more than \$521,000 to be used
15 for not more than 6.00 additional full-time equivalent
16 positions.

17 Sec. 16. CIVIL RIGHTS COMMISSION. There is
18 appropriated from the general fund of the state to the
19 Iowa state civil rights commission for the fiscal year
20 beginning July 1, 2010, and ending June 30, 2011, the
21 following amount, or so much thereof as is necessary,
22 to be used for the purposes designated:

23 For salaries, support, maintenance, miscellaneous
24 purposes, and for not more than the following full-time
25 equivalent positions:

26 \$ 1,379,861
27 FTEs 29.50

28 The Iowa state civil rights commission may enter
29 into a contract with a nonprofit organization to
30 provide legal assistance to resolve civil rights
31 complaints.

32 Sec. 17. EFFECTIVE UPON ENACTMENT. The provision
33 of this division of this Act eliminating the chief
34 security officer position within the department of
35 corrections, being deemed of immediate importance,
36 takes effect upon enactment.

37 DIVISION II

38 COURT COSTS — FINES

39 Sec. 18. Section 602.8106, subsection 1, paragraphs
40 a, b, d, and e, Code Supplement 2009, are amended to
41 read as follows:

42 a. Except as otherwise provided in paragraphs "b"
43 and "c", for filing and docketing a criminal case to
44 be paid by the county or city which has the duty to
45 prosecute the criminal action, payable as provided
46 in section 602.8109, one hundred twenty dollars.
47 When judgment is rendered against the defendant,
48 costs collected from the defendant shall be paid to
49 the county or city which has the duty to prosecute
50 the criminal action to the extent necessary for

1 reimbursement for fees paid. However, the fees which
2 are payable by the county to the clerk of the district
3 court for services rendered in criminal actions
4 prosecuted under state law and the court costs taxed in
5 connection with the trial of those actions or appeals
6 from the judgments in those actions are waived.

7 *b.* For filing and docketing of a complaint or
8 information for a simple misdemeanor and a complaint or
9 information for a nonscheduled simple misdemeanor under
10 chapter 321, ~~sixty~~ seventy dollars.

11 *d.* The court costs in scheduled violation cases
12 where a court appearance is required, ~~sixty~~
13 seventy dollars.

14 *e.* For court costs in scheduled violation cases
15 where a court appearance is not required, ~~sixty~~
16 seventy dollars.

17 Sec. 19. Section 805.8A, Code Supplement 2009, is
18 amended to read as follows:

19 **805.8A Motor vehicle and transportation scheduled**
20 **violations.**

21 1. *Parking violations.*

22 *a.* For parking violations under sections 321.236,
23 321.239, 321.358, 321.360, and 321.361, the scheduled
24 fine is five dollars, except if the local authority has
25 established the fine by ordinance. The scheduled fine
26 for a parking violation pursuant to section 321.236
27 increases by five dollars, if authorized by ordinance
28 and if the parking violation is not paid within thirty
29 days of the date upon which the violation occurred.
30 For purposes of calculating the unsecured appearance
31 bond required under section 805.6, the scheduled fine
32 shall be five dollars, or if the amount of the fine is
33 greater than five dollars, the unsecured appearance
34 bond shall be the amount of the fine established by
35 the local authority. However, violations charged
36 by a city or county upon simple notice of a fine
37 instead of a uniform citation and complaint required
38 by section 321.236, subsection 1, paragraph "*b*", are
39 not scheduled violations, and this section shall not
40 apply to any offense charged in that manner. For a
41 parking violation under section ~~321.362~~ or 461A.38, the
42 scheduled fine is ten dollars. For parking violations
43 under section 321.362, the scheduled fine is twenty
44 dollars.

45 *b.* For a parking violation under section 321L.2A,
46 subsection 2, the scheduled fine is twenty dollars.

47 *c.* For violations under section 321L.2A, subsection
48 3, sections 321L.3, 321L.4, subsection 2, and section
49 321L.7, the scheduled fine is one hundred ten dollars.

50 2. *Title or registration violations.*

1 a. For violations under sections 321.32, 321.34,
2 321.37, 321.38, and 321.41, the scheduled fine is
3 ~~ten~~ twenty dollars.

4 b. (1) For violations under sections 321.115 and
5 321.115A, the scheduled fine is thirty dollars.

6 (2) For violations under sections 321.17, 321.47,
7 321.55, and 321.98, ~~321.115, and 321.115A,~~ the
8 scheduled fine is ~~thirty~~ forty dollars.

9 c. For violations under sections 321.25, 321.45,
10 321.46, 321.48, 321.52, 321.57, 321.62, 321.67, and
11 321.104, the scheduled fine is ~~fifty~~ sixty dollars.

12 d. For a violation under section 321.99, the
13 scheduled fine is one hundred ten dollars.

14 3. *Equipment violations.*

15 a. For violations under sections 321.317,
16 321.386, 321.387, 321.388, 321.389, 321.390, 321.392,
17 321.393, 321.422, 321.432, 321.436, 321.439, 321.440,
18 321.441, 321.442, and 321.444, the scheduled fine is
19 ~~ten~~ twenty dollars.

20 b. For improperly used or nonused, or defective or
21 improper equipment, other than brakes, driving lights
22 and brake lights, under section 321.437, the scheduled
23 fine is ~~ten~~ twenty dollars.

24 c. For violations under sections 321.382, and
25 321.404A, ~~and 321.438,~~ the scheduled fine is
26 ~~fifteen~~ twenty-five dollars.

27 d. For violations of sections 321.383, 321.384,
28 321.385, 321.398, 321.402, 321.403, 321.404, 321.409,
29 321.415, 321.419, 321.420, 321.421, 321.423, and
30 321.433, the scheduled fine is ~~twenty~~ thirty dollars.

31 e. For a violation of section 321.430, the
32 scheduled fine is ~~thirty-five~~ forty-five dollars.

33 f. (1) For violations under section 321.234A and
34 321.438, the scheduled fine is fifty dollars.

35 (2) For violations under sections
36 ~~321.234A,~~ 321.247, 321.381, and 321.381A, the scheduled
37 fine is ~~fifty~~ sixty dollars.

38 4. *Driver's license violations.*

39 a. For violations under sections 321.174A, 321.180,
40 321.180B, 321.193, and 321.194, the scheduled fine is
41 ~~thirty~~ forty dollars.

42 b. For a violation of section 321.216, the
43 scheduled fine is ~~seventy-five~~ eighty-five dollars.

44 c. For violations under sections 321.174, 321.216B,
45 321.216C, 321.219, and 321.220, the scheduled fine is
46 one hundred ten dollars.

47 5. *Speed violations.*

48 a. For excessive speed violations in excess of the
49 limit under section 321.236, subsections 5 and 11,
50 sections 321.285, and 461A.36, the scheduled fine shall

1 be the following:

2 (1) ~~Ten~~ Twenty dollars for speed not more than five
3 miles per hour in excess of the limit.

4 (2) ~~Twenty~~ Forty dollars for speed greater than
5 five but not more than ten miles per hour in excess of
6 the limit.

7 (3) ~~Thirty~~ Fifty dollars for speed greater than ten
8 but not more than fifteen miles per hour in excess of
9 the limit.

10 (4) ~~Forty~~ Sixty dollars for speed greater than
11 fifteen but not more than twenty miles per hour in
12 excess of the limit.

13 (5) ~~Forty~~ Sixty dollars plus two dollars for each
14 mile per hour of excessive speed over twenty miles per
15 hour over the limit.

16 b. Notwithstanding paragraph "a", for excessive
17 speed violations in speed zones greater than fifty-five
18 miles per hour, the scheduled fine shall be:

19 (1) ~~Twenty~~ Thirty dollars for speed not more than
20 five miles per hour in excess of the limit.

21 (2) ~~Forty~~ Sixty dollars for speed greater than five
22 but not more than ten miles per hour in excess of the
23 limit.

24 (3) ~~Sixty~~ Eighty dollars for speed greater than ten
25 but not more than fifteen miles per hour in excess of
26 the limit.

27 (4) ~~Eighty~~ One hundred dollars for speed greater
28 than fifteen but not more than twenty miles per hour in
29 excess of the limit.

30 (5) ~~Ninety~~ One hundred ten dollars plus five
31 dollars for each mile per hour of excessive speed over
32 twenty miles per hour over the limit.

33 c. Excessive speed in whatever amount by a school
34 bus is not a scheduled violation under any section
35 listed in this subsection.

36 d. Excessive speed in conjunction with a violation
37 of section 321.278 is not a scheduled violation,
38 whatever the amount of excess speed.

39 e. For a violation under section 321.295, the
40 scheduled fine is ~~thirty~~ forty dollars.

41 6. *Operating violations.*

42 a. For a violation under section 321.236,
43 subsections 3, 4, 9, and 12, the scheduled fine is
44 twenty dollars.

45 b. For violations under section 321.275,
46 subsections 1 through 7, sections ~~321.277A~~, 321.315,
47 321.316, 321.318, 321.363, and 321.365, the scheduled
48 fine is ~~twenty-five~~ thirty-five dollars.

49 c. (1) For violations under sections ~~321.288~~,
50 ~~321.297, 321.299, 321.303, 321.304, subsections~~

1 ~~1 and 2, sections 321.305, 321.306, 321.311,~~
2 ~~321.312, 321.314, 321.323, 321.340, 321.353,~~
3 ~~321.354, and 321.395, the scheduled fine is~~
4 ~~thirty-five forty-five dollars.~~
5 (2) For violations under sections 321.277A,
6 321.297, 321.299, 321.303, 321.304, subsections 1 and
7 2, 321.305, 321.312, and 321.320, the scheduled fine is
8 seventy-five dollars.
9 (3) For violations under section 321.288, the
10 scheduled fine is one hundred dollars.
11 d. For violations under sections 321.302 and
12 321.366, the scheduled fine is fifty sixty dollars.
13 7. Failure to yield or obey violations.
14 a. For a violation by an operator of a motor
15 vehicle under section 321.257, subsection 2, the
16 scheduled fine is thirty-five dollars.
17 b. a. For violations under sections
18 321.298, 321.307, 321.308, 321.313, 321.319, 321.320,
19 321.321, 321.327, 321.329, and 321.333, the scheduled
20 fine is thirty-five forty-five dollars.
21 b. For a violation under section 321.321, the
22 scheduled fine is fifty dollars.
23 c. For violations under sections 321.298 and
24 321.320, the scheduled fine is seventy-five dollars.
25 d. For a violation by an operator of a motor
26 vehicle under section 321.257, subsection 2, the
27 scheduled fine is seventy-five dollars.
28 8. Traffic sign or signal violations.
29 a. For violations under section 321.236,
30 subsections 2 and 6, sections 321.256, 321.294,
31 321.304, subsection 3, and section 321.322, the
32 scheduled fine is thirty-five dollars.
33 b. For a violation under section 321.294, the
34 scheduled fine is forty-five dollars.
35 c. For violations of sections 321.256, 321.304,
36 subsection 3, and 321.322, the scheduled fine is
37 seventy-five dollars.
38 9. Bicycle or pedestrian violations.
39 a. For violations by a pedestrian or a bicyclist
40 under section 321.234, subsections 3 and 4, section
41 321.236, subsection 10, section 321.257, subsection
42 2, section 321.275, subsection 8, section 321.325,
43 321.326, 321.328, 321.331, 321.332, 321.397, or and
44 section 321.434, the scheduled fine is fifteen dollars.
45 b. For violations by a pedestrian or bicyclist
46 under section 321.234, subsections 3 and 4, section
47 321.257, subsection 2, section 321.275, subsection
48 8, and sections 321.325, 321.326, 321.328, 321.331,
49 321.332, and 321.397, the scheduled fine is twenty-five
50 dollars.

1 9A. *Electric personal assistive mobility device*
2 *violations.* For violations under section 321.235A, the
3 scheduled fine is fifteen dollars.
4 10. *School bus violations.*
5 a. For violations by an operator of a
6 school bus under sections 321.285 and 321.372,
7 subsections 1 and 2, the scheduled fine is
8 ~~thirty-five~~ forty-five dollars. However, an excessive
9 speed violation by a school bus of more than ten miles
10 per hour in excess of the limit is not a scheduled
11 violation.
12 b. For a violation under section 321.372,
13 subsection 3, the scheduled fine is one hundred
14 ten dollars.
15 11. *Emergency vehicle violations.*
16 a. For violations under sections 321.231,
17 321.367, and 321.368, the scheduled fine is
18 ~~thirty-five~~ forty-five dollars.
19 b. For a violation under section 321.323A or
20 321.324, the scheduled fine is ~~fifty~~ sixty dollars.
21 12. *Restrictions on vehicles.*
22 a. For violations under sections 321.309, 321.310,
23 321.394, 321.461, and 321.462, the scheduled fine is
24 ~~twenty-five~~ thirty-five dollars.
25 b. For violations under section 321.437, the
26 scheduled fine is ~~twenty-five~~ thirty-five dollars.
27 c. For height, length, width, and load violations
28 under sections 321.454, 321.455, 321.456, 321.457, and
29 321.458, the scheduled fine is one hundred ten dollars.
30 d. For violations under section 321.466, the
31 scheduled fine is twenty dollars for each two thousand
32 pounds or fraction thereof of overweight.
33 e. (1) Violations of the schedule of axle
34 and tandem axle and gross or group of axle weight
35 violations in section 321.463 shall be scheduled
36 violations subject to the provisions, procedures, and
37 exceptions contained in sections 805.6 through 805.11,
38 irrespective of the amount of the fine under that
39 schedule.
40 (a) Violations of the schedule of weight violations
41 shall be chargeable, where the fine charged does not
42 exceed one thousand dollars, only by uniform citation
43 and complaint.
44 (b) Violations of the schedule of weight
45 violations, where the fine charged exceeds one
46 thousand dollars shall, when the violation is
47 admitted and section 805.9 applies, be chargeable
48 upon uniform citation and complaint, indictment, or
49 county attorney's information, but otherwise shall be
50 chargeable only upon indictment or county attorney's

1 information.

2 (2) In all cases of charges under the schedule of
3 weight violations, the charge shall specify the amount
4 of fine charged under the schedule. Where a defendant
5 is convicted and the fine under the foregoing schedule
6 of weight violations exceeds one thousand dollars, the
7 conviction shall be of an indictable offense although
8 section 805.9 is employed and whether the violation
9 is charged upon uniform citation and complaint,
10 indictment, or county attorney's information.

11 *f.* For a violation under section 321E.16, other
12 than the provisions relating to weight, the scheduled
13 fine is one hundred ten dollars.

14 13. *Motor carrier violations.*

15 *a.* (1) For violations under sections
16 ~~321.54, 326.22, and 326.23~~, the scheduled fine
17 is twenty dollars.

18 (2) For a violation under section 321.54, the
19 scheduled fine is thirty dollars.

20 *b.* For a violation under section 321.449, the
21 scheduled fine is ~~twenty-five~~ fifty dollars.

22 *c.* (1) For violations under sections 321.364,
23 ~~321.450, 321.460, and 452A.52~~, the scheduled fine is
24 one hundred dollars.

25 (2) For violations under sections 321.450 and
26 321.460, the scheduled fine is one hundred ten dollars.

27 *d.* For violations of section 325A.3, subsection
28 5, or section 325A.8, the scheduled fine is
29 fifty sixty dollars.

30 *e.* For violations of chapter 325A, other than a
31 violation of section 325A.3, subsection 5, or section
32 325A.8, the scheduled fine is two hundred fifty
33 dollars.

34 *f.* For failure to have proper carrier
35 identification markings under section 327B.1, the
36 scheduled fine is fifty sixty dollars.

37 *g.* For failure to have proper evidence of
38 interstate authority carried or displayed under section
39 327B.1, and for failure to register, carry, or display
40 evidence that interstate authority is not required
41 under section 327B.1, the scheduled fine is two hundred
42 fifty sixty dollars.

43 14. *Miscellaneous violations.*

44 *a.* *Failure to obey a peace officer.* For a
45 violation under section 321.229, the scheduled fine is
46 thirty-five forty-five dollars.

47 *b.* *Abandoning a motor vehicle.* For a violation
48 under section 321.91, the scheduled fine is one hundred
49 ten dollars.

50 *c.* *Seat belt or restraint violations.* For

1 violations under sections 321.445 and 321.446, the
2 scheduled fine is ~~twenty-five~~ seventy-five dollars.
3 *d. Litter and debris violations.* For violations
4 under sections 321.369 and 321.370, the scheduled fine
5 is ~~seventy~~ eighty dollars.
6 *e. Open container violations.* For violations under
7 sections 321.284 and 321.284A, the scheduled fine is
8 one hundred fifty dollars.
9 *f. Proof of financial responsibility.* If, in
10 connection with a motor vehicle accident, a person is
11 charged and found guilty of a violation of section
12 321.20B, subsection 1, the scheduled fine is five
13 hundred dollars; otherwise, the scheduled fine for
14 a violation of section 321.20B, subsection 1, is
15 two hundred fifty dollars. Notwithstanding section
16 805.12, fines collected pursuant to this paragraph
17 shall be submitted to the state court administrator and
18 distributed fifty percent to the victim compensation
19 fund established in section 915.94, twenty-five percent
20 to the county in which such fine is imposed, and
21 twenty-five percent to the general fund of the state.
22 *g. Radar-jamming devices.* For a violation
23 under section 321.232, the scheduled fine is
24 ~~fifty~~ sixty dollars.
25 *h. Railroad crossing violations.*
26 (1) For violations under sections 321.341, 321.342,
27 321.343, and 321.344, the scheduled fine is one hundred
28 ten dollars.
29 (2) For a violation under section 321.344B, the
30 scheduled fine is two hundred dollars.
31 *i. Road work zone violations.* The scheduled fine
32 for any moving traffic violation under chapter 321,
33 as provided in this section, shall be doubled if the
34 violation occurs within any road work zone, as defined
35 in section 321.1. However, notwithstanding subsection
36 5, the scheduled fine for violating the speed limit in
37 a road work zone is as follows:
38 (1) One hundred fifty dollars for speed not more
39 than ten miles per hour over the posted speed limit.
40 (2) Three hundred dollars for speed greater than
41 ten but not more than twenty miles per hour over the
42 posted speed limit.
43 (3) Five hundred dollars for speed greater than
44 twenty but not more than twenty-five miles per hour
45 over the posted speed limit.
46 (4) One thousand dollars for speed greater than
47 twenty-five miles per hour over the posted speed limit.
48 *j. Vehicle component parts records violations.* For
49 violations under section 321.95, the scheduled fine is
50 fifty dollars.

1 Sec. 20. Section 805.8C, subsection 6, paragraph a,
2 Code Supplement 2009, is amended to read as follows:

3 a. If the violation is a first offense, the
4 scheduled fine is one hundred ten dollars.

5 DIVISION III

6 PUBLIC SAFETY ENFORCEMENT FUND

7 Sec. 21. PUBLIC SAFETY ENFORCEMENT FUND ESTABLISHED
8 — TEMPORARY ALLOCATION OF FINES AND FEES.

9 1. A public safety enforcement fund is created in
10 the state treasury under the control of the treasurer
11 of state. Notwithstanding section 602.8108, the state
12 court administrator shall allocate to the treasurer
13 of state for deposit in the public safety enforcement
14 fund the first eight million eight hundred thousand
15 dollars of the moneys received under section 602.8108,
16 subsection 2, during the fiscal year beginning July 1,
17 2010, and ending June 30, 2011. Moneys deposited into
18 the fund are appropriated to the treasurer of state for
19 allocation as provided in subsection 2.

20 2. The treasurer of state shall allocate to the
21 following entities the following amounts from the
22 public safety enforcement fund for the fiscal year
23 beginning July 1, 2010, and ending June 30, 2011:

24 a. To the department of corrections, \$502,810 and
25 of the amount allocated in this paragraph, \$402,810
26 shall be allocated by the department of corrections
27 to the sixth judicial district of department of
28 correctional services, and \$100,000 shall be
29 allocated to the first judicial district department of
30 correctional services.

31 b. To the department of corrections, \$2,497,190 and
32 of the amount allocated in this paragraph, \$1,451,000
33 shall be allocated by the department of corrections
34 for the operation of the Fort Madison correctional
35 facility, \$846,190 shall be allocated for the operation
36 of the Luster Heights facility, and \$200,000 shall be
37 allocated for the operation of the Anamosa correctional
38 facility.

39 c. To the department of public safety, \$150,000 for
40 costs associated with the training and equipment needs
41 of volunteer fire fighters.

42 d. To the department of public safety, \$250,000.

43 e. To the Iowa civil rights commission, \$100,000.

44 f. To the judicial branch, \$5,300,000.

45 3. Moneys remaining in the fund at or after the
46 close of the fiscal year shall revert to the general
47 fund of the state.

48 4. This section is repealed June 30, 2011.

49 DIVISION IV

50 GAMING ENFORCEMENT FUND AND MISCELLANEOUS PROVISIONS

1 Sec. 22. 2010 Iowa Acts, Senate File 2088, section
2 62, is amended to read as follows:

3 SEC. 62. COMMUNITY-BASED CORRECTIONS — STATE
4 ~~ACCOUNTING~~ BUDGETING SYSTEM. Each judicial district
5 department of correctional services shall utilize the
6 state ~~accounting~~ budgeting system for purposes of
7 tracking both appropriations and expenditures. Each
8 judicial district department shall coordinate its
9 ~~accounting~~ budgeting activities with the department
10 of management for purposes of implementing the
11 requirements of this section.

12 Sec. 23. Section 8A.302, subsection 1, as amended
13 by 2010 Iowa Acts, Senate File 2088, section 71, is
14 amended to read as follows:

15 1. Providing a system of uniform standards and
16 specifications for purchasing. When the system is
17 developed, all items of general use shall be purchased
18 by state agencies through the department, except items
19 provided for under section 904.808 or items used by
20 the state board of regents and institutions under
21 the control of the state board of regents. However,
22 the department may authorize the department of
23 transportation, the department for the blind, and
24 any other agencies otherwise exempted by law from
25 centralized purchasing, to directly purchase items used
26 by those agencies without going through the department,
27 if the department of administrative services determines
28 such purchasing is in the best interests of the state.
29 However, items of general use may be purchased through
30 the department by any governmental entity.

31 Sec. 24. NEW SECTION. 80.43 Gaming enforcement —
32 revolving fund.

33 1. A gaming enforcement revolving fund is created
34 in the state treasury under the control of the
35 department. The fund shall consist of fees collected
36 and deposited into the fund paid by licensees pursuant
37 to section 99D.14, subsection 2, paragraph "b", and
38 fees paid by licensees pursuant to section 99F.10,
39 subsection 4, paragraph "b". All costs for agents and
40 officers plus any direct and indirect support costs for
41 such agents and officers of the division of criminal
42 investigation's racetrack, excursion boat, or gambling
43 structure enforcement activities shall be paid from
44 the fund as provided in appropriations made for this
45 purpose by the general assembly.

46 2. To meet the department's cash flow needs, the
47 department may temporarily use funds from the general
48 fund of the state to pay expenses in excess of moneys
49 available in the revolving fund if those additional
50 expenditures are fully reimbursable and the department

1 reimburses the general fund of the state and ensures
2 all moneys are repaid in full by the close of the
3 fiscal year. Because any general fund moneys used
4 shall be fully reimbursed, such temporary use of funds
5 from the general fund of the state shall not constitute
6 an appropriation for purposes of calculating the state
7 general fund expenditure limitation pursuant to section
8 8.54.

9 3. Section 8.33 does not apply to any moneys
10 credited or appropriated to the revolving fund from
11 any other fund and, notwithstanding section 12C.7,
12 subsection 2, earnings or interest on moneys deposited
13 in the revolving fund shall be credited to the
14 revolving fund.

15 Sec. 25. Section 99D.14, subsection 2, Code 2009,
16 is amended to read as follows:

17 2. a. A licensee shall pay a regulatory fee to be
18 charged as provided in this section. In determining
19 the regulatory fee to be charged as provided under
20 this section, the commission shall use the amount
21 appropriated to the commission plus the cost of
22 salaries for no more than two special agents for
23 each racetrack that has not been issued a table games
24 license under chapter 99F or no more than three special
25 agents for each racetrack that has been issued a table
26 games license under chapter 99F, plus any direct and
27 indirect support costs for the agents, for the division
28 of criminal investigation's racetrack activities, as
29 the basis for determining the amount of revenue to be
30 raised from the regulatory fee.

31 b. Notwithstanding sections 8.60 and 99D.17,
32 the portion of the fee paid pursuant to paragraph
33 "a" relating to the costs of special agents plus any
34 direct and indirect support costs for the agents, for
35 the division of criminal investigation's racetrack
36 activities, shall not be deposited in the general
37 fund of the state but instead shall be deposited into
38 the gaming enforcement revolving fund established in
39 section 80.43.

40 Sec. 26. Section 99F.10, subsection 4, Code 2009,
41 is amended to read as follows:

42 4. a. In determining the license fees and state
43 regulatory fees to be charged as provided under section
44 99F.4 and this section, the commission shall use as
45 the basis for determining the amount of revenue to be
46 raised from the license fees and regulatory fees the
47 amount appropriated to the commission plus the cost of
48 salaries for no more than two special agents for each
49 excursion gambling boat or gambling structure and no
50 more than four gaming enforcement officers for each

1 excursion gambling boat or gambling structure with a
2 patron capacity of less than two thousand persons or
3 no more than five gaming enforcement officers for each
4 excursion gambling boat or gambling structure with
5 a patron capacity of at least two thousand persons,
6 plus any direct and indirect support costs for the
7 agents and officers, for the division of criminal
8 investigation's excursion gambling boat or gambling
9 structure activities.

10 b. Notwithstanding sections 8.60 and 99F.4,
11 the portion of the fee paid pursuant to paragraph
12 "a" relating to the costs of special agents and
13 officers plus any direct and indirect support costs
14 for the agents and officers, for the division of
15 criminal investigation's excursion gambling boat or
16 gambling structure activities, shall not be deposited
17 in the general fund of the state but instead shall be
18 deposited into the gaming enforcement revolving fund
19 established in section 80.43.

20 Sec. 27. Section 809A.17, subsection 5, Code 2009,
21 is amended by adding the following new paragraph:

22 NEW PARAGRAPH. e. If the forfeited property is
23 cash or proceeds from the sale of real property the
24 distribution of the forfeited property shall be as
25 follows:

26 (1) The department of justice shall not retain more
27 than ten percent of the gross sale of any forfeited
28 real property. The balance of the proceeds shall be
29 distributed to the seizing agency for use by the agency
30 or for division among law enforcement agencies and
31 county attorneys pursuant to any agreement entered into
32 by the seizing agency.

33 (2) The department of justice shall not retain more
34 than ten percent of any forfeited cash. The balance
35 shall be distributed to the seizing agency for use
36 by the agency or for division among law enforcement
37 agencies and county attorneys pursuant to any agreement
38 entered into by the seizing agency.

39 (3) In the event of a cash forfeiture in excess
40 of four hundred thousand dollars the distribution of
41 forfeited cash shall be as follows:

42 (a) Forty-five percent shall be retained by the
43 seizing agency.

44 (b) Forty-five percent shall be distributed to
45 other law enforcement agencies within the region of the
46 seizing agency.

47 (c) Ten percent shall be retained by the department
48 of justice.

49 Sec. 28. Section 904.315, subsection 2, Code
50 Supplement 2009, is amended to read as follows:

1 2. A contract is not required for improvements at
2 a state institution where the labor of inmates is to
3 be used if the contract is not for a construction,
4 reconstruction, demolition, or repair project or
5 improvement with an estimated cost in excess of
6 ~~fifty~~ one hundred thousand dollars.
7 Sec. 29. Section 904A.4B, Code 2009, is amended to
8 read as follows:
9 **904A.4B Executive director of the board of parole —**
10 **duties.**
11 1. The chief administrative officer of the board
12 of parole shall be the executive director, except as
13 provided in subsection 2. The executive director
14 shall be appointed by the chairperson, subject to the
15 approval of the board and shall serve at the pleasure
16 of the board. The executive director shall do all of
17 the following:
18 ~~1.~~ a. Advise the board on matters relating to
19 parole, work release, and executive clemency, and
20 advise the board on matters involving automation and
21 word processing.
22 ~~2.~~ b. Carry out all directives of the board.
23 ~~3.~~ c. Hire and supervise all of the board's staff
24 pursuant to the provisions of chapter 8A, subchapter
25 IV.
26 ~~4.~~ d. Act as the board's liaison with the general
27 assembly.
28 ~~5.~~ e. Prepare a budget for the board, subject
29 to the approval of the board, and prepare all other
30 reports required by law.
31 ~~6.~~ f. Develop long-range parole and work release
32 planning, in cooperation with the department of
33 corrections.
34 2. If an executive director is not appointed
35 as provided in subsection 1, the chairperson shall
36 serve as acting executive director and perform the
37 administrative duties under subsection 1.
38 Sec. 30. IOWA COMMUNICATIONS NETWORK. It is the
39 intent of the general assembly that the executive
40 branch agencies receiving an appropriation in this Act
41 utilize the Iowa communications network or secure other
42 electronic communications in lieu of traveling for the
43 fiscal year addressed by the appropriations.
44 Sec. 31. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
45 DIVISION. There is appropriated from the wireless
46 E911 emergency communications fund created in section
47 34A.7A to the administrator of the homeland security
48 and emergency management division of the department of
49 public defense for the fiscal year beginning July 1,
50 2010, and ending June 30, 2011, an amount not exceeding

1 \$200,000 to be used for implementation, support, and
2 maintenance of the functions of the administrator and
3 program manager under chapter 34A and to employ the
4 auditor of the state to perform an annual audit of the
5 wireless E911 emergency communications fund.
6 Sec. 32. CORRECTIONAL OFFICER AND PEACE OFFICER —
7 PRIORITY. As a condition of receiving an appropriation
8 in this Act, the department of corrections and the
9 department of public safety shall make every effort
10 to preserve correctional officer and peace officer
11 positions through the reduction of administrative and
12 related overhead costs.>
13 2. Title page, line 2, after <system,> by inserting
14 <providing for fees and fines,>

TAYLOR of Linn